

UNITED STATES BANKRUPTCY COURT**DISTRICT OF NEW JERSEY****Caption in Compliance with D.N.J. LBR 9004-1(b)**Robert J. Feinstein (admitted *pro hac vice*)

Bradford J. Sandler

Paul J. Labov

Colin R. Robinson

PACHULSKI STANG ZIEHL & JONES LLP

780 Third Avenue, 34th Floor

New York, NY 10017

Telephone: (212) 561-7700

Facsimile: (212) 561-7777

rfeinstein@pszjlaw.com

bsandler@pszjlaw.com

plabov@pszjlaw.com

crobinson@pszjlaw.com



Order Filed on August 21, 2024
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Counsel to the Plan Administrator
In re:

BED BATH & BEYOND INC., *et al.*,¹

Debtors.

Chapter 11

Case No. 23-13359 (VFP)

(Jointly Administered)

**ORDER GRANTING SHAREHOLDER'S MOTION FOR REDACTION OF
CERTAIN INFORMATION AND DENYING SHAREHOLDER'S MOTION
FOR APPOINTMENT OF EQUITY SECURITY HOLDERS COMMITTEE RELIEF**

The relief set forth on the following pages, numbered three (3) through four (4), is

ORDERED.**DATED: August 21, 2024**

Honorable Vincent F. Papalia
United States Bankruptcy Judge

¹ The last four digits of Debtor Bed Bath & Beyond Inc.'s tax identification number are 0488. A complete list of the Debtors in these chapter 11 cases and each such Debtor's tax identification number may be obtained on the website of the Debtor's proposed claims and noticing agent at <https://restructuring.ra.kroll.com/bbby>.

Page: 2
Debtors: Bed Bath & Beyond, Inc., et al.
Case No.: 23-13359 (VFP)
Caption: Order Granting Shareholder's Motion for Redaction of Certain Information and Denying Shareholder's Motion for Appointment of Equity Security Holders Committee

Upon the *Motion for Redaction of Certain Information and the Motion for Appointment of Equity Security Holders Committee* (the “Motion”) of a pro se former shareholder of Bed Bath & Beyond Inc. (the “Former Shareholder”); and the Opposition to the Motion (the “Opposition”) of Michael Goldberg, in his capacity as the Plan Administrator (the “Plan Administrator”) to 20230930-DK-Butterfly-1, Inc. (f/k/a/ Bed Bath & Beyond Inc.)² and affiliated debtors (the “Debtors”); and the United States Trustee’s Objection (the “Objection”) to the Motion; and the Former Shareholder’s Reply in further support of the Motion (the “Reply”); and the Plan Administrator’s Sur-Reply (the “Sur-Reply”) to the Motion; and the Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334 and the Standing Order of Reference to the Bankruptcy Court Under Title 11 of the United States District Court for the District of New Jersey, entered July 23, 1984, and amended on September 18, 2012 (Simandle, C.J.); and this Court having found that this Court may enter a final order consistent with Article III of the United States Constitution; and this Court having found that venue of this proceeding and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having found that the notice of the Motion and opportunity for a hearing on the Motion were appropriate and no other notice need be provided; and this Court having reviewed the Motion, the Opposition, the Objection, the Reply, and the Sur-Reply, and having heard the statements in support of the relief requested therein at a hearing before this Court (the “Hearing”)

² Pursuant to the *Certificate of Amendment of the Certificate of Incorporation of Bed Bath & Beyond Inc.*, which was filed with the State of New York Department of State on September 21, 2023, the name of the entity formerly known as “Bed Bath & Beyond Inc.” was changed to 20230930-DK-Butterfly, Inc. [Filing ID No. 230921001833 DOS ID 315602].

Page: 3

Debtors: Bed Bath & Beyond, Inc., et al.

Case No.: 23-13359 (VFP)

Caption: Order Granting Shareholder's Motion for Redaction of Certain Information and Denying Shareholder's Motion for Appointment of Equity Security Holders Committee

on August 8, 2024; and upon all of the proceedings had before this Court; and after argument by all parties, due deliberation and sufficient cause appearing therefor, **IT IS HEREBY ORDERED THAT:**

1. For the reasons set forth by the Court at the Hearing, the Motion for redaction of certain information is **GRANTED** to the limited extent set forth herein:

a. The Shareholder, within seven (7) business days of entry of this Order (the "Unredacted Filing Date"), shall: (i) file with this Court a copy of the Motion and his Reply with his personal identifying information redacted and replaced with the information contained in paragraph two (2) the *Order Establishing Procedures Relating to Shareholder's Motions for Redaction of Certain Information and Appointment of Equity Security Holders Committee entered on June 12, 2024* (the "Procedures Order") [Docket No. 3314] and (ii) serve copies of the Motion and Reply (without any redactions and showing his full legal name and full residential address and email) on counsel for the Plan Administrator (Bradford J. Sandler, Esq.) (bsandler@pszjlaw.com), counsel for the Former Debtors (Emily E. Geier, Esq.) (Emily.geier@kirkland.com), and counsel for the Office of the United States Trustee (Fran B. Steele, Esq.) (fran.b.steele@usdoj.gov), each by electronic mail. Additionally, also by the Unredacted Filing Date, the Shareholder shall (iii) serve by electronic and regular mail a redacted copy of the Motion and Reply on Jeffrey M. Kurzon, Esq., a pro se former common stock holder of Bed Bath & Beyond, Inc., who appeared at the Hearing.

b. The Clerk of the Court shall file an unredacted copy of the Motion and Reply under seal, subject to the provisions of this Order and the Procedures Order.

Page: 4
Debtors: Bed Bath & Beyond, Inc., et al.
Case No.: 23-13359 (VFP)
Caption: Order Granting Shareholder's Motion for Redaction of Certain Information and Denying Shareholder's Motion for Appointment of Equity Security Holders Committee

- c. Counsel for the Plan Administrator, the Former Debtors, and the Office of the United States Trustee shall maintain as confidential and not disclose to any third parties the personal identifying information of the Former Shareholder.
2. The portion of the Motion seeking appointment of an equity committee (and other related relief) is **DENIED** with prejudice in all respects for the reasons stated on the record.
3. This Court retains jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.